

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FEDERAL TRADE COMMISSION, et al.,

Plaintiffs,

v.

AMAZON.COM, INC., a corporation,

Defendant.

Case No. 2:23-cv-01495-JHC

**DECLARATION OF LEE ROACH IN  
SUPPORT OF AMAZON'S MOTION  
TO SEAL PLAINTIFFS' MOTION TO  
COMPEL BRIEFING AND EXHIBITS**

I, Lee Roach, declare as follows:

1. Since November 14, 2022, I have served in Amazon.com, Inc.'s ("Amazon") Litigation Department as Corporate Counsel of Litigation and Regulatory for Amazon's Competition Legal team. I am an attorney and active member in good standing licensed to practice in the District of Columbia and the State of Virginia. I have knowledge of the matters set forth in this declaration, and I could and would competently testify thereto if called to do so.

2. I make this declaration in support of Amazon's Motion to Seal Plaintiffs' Motion to Compel Briefing and Exhibits. From the course of my duties and responsibilities, I have knowledge of Amazon's business practices and its treatment of certain types of documents and information as confidential—including the types of documents and information that are at issue in Plaintiffs' Motion to Compel and respective briefing, as discussed in greater detail below.

1           3.       Many of the Exhibits discussed in, and attached to, Plaintiffs' Motion to Compel  
2 briefing reveal Amazon's sensitive and proprietary business information, disclose personal  
3 information about Amazon's former and current employees, or reveal investigations by foreign  
4 sovereigns kept confidential in the ordinary course and pursuant to foreign laws.

5           4.       Exhibit A to the Motion to Compel reflects proprietary and confidential information  
6 about the structure of Amazon's internal business units. Amazon takes reasonable steps to protect  
7 this information about all of its various divisions, including by producing material pursuant to  
8 protective orders, and publication of it could cause Amazon competitive harm because it could  
9 give competitors an understanding of how Amazon structures its business.

10          5.       Exhibit D to the Motion to Compel is an excerpt of a letter that was marked  
11 Confidential when sent to Plaintiffs during the course of this litigation. This document reflects  
12 internal and confidential business information that provides insight into the structure and  
13 maintenance of Amazon's data, including in systems which Amazon keeps confidential in the  
14 ordinary course. Disclosure of this information could cause Amazon competitive and reputational  
15 harm, and the information could be employed by malicious actors to target or harass Amazon's  
16 systems.

17          6.       Exhibits E, F and G were marked confidential upon Amazon's production of the  
18 documents during the FTC's pre-Complaint investigation. These documents detail private and  
19 sensitive information about individual, non-party employees that, if released, will identify specific  
20 employees and the particulars of their performance reviews. Amazon takes reasonable steps to  
21 maintain the strict confidentiality of these documents in the ordinary course, including by limiting  
22 internal access to them.

23          7.       Exhibits L and M attached to the Plaintiffs' Motion to Compel and Exhibit A to the  
24 Plaintiffs' Reply contain confidential business and strategic documents that would cause  
25 competitive harm to Amazon if released. These documents were marked confidential or highly  
26 confidential upon Amazon's production of these documents during the FTC's pre-Complaint

1 investigation or this litigation. Amazon takes reasonable steps to maintain the confidentiality of  
2 these documents. Exhibit L discusses in detail Amazon's business strategy regarding pricing and  
3 search algorithms. Exhibit M details Amazon's goals and strategies regarding its international  
4 seller services. Exhibit A to the Plaintiffs' Reply is a comprehensive internal guide on promotion  
5 and employee strategies. These documents collectively provide considerable insight into  
6 Amazon's internal business and employment considerations, and could cause Amazon competitive  
7 harm if disclosed.

8         8. Exhibit N to the Motion to Compel is communication from a foreign regulator that  
9 reflects a confidential investigation into Amazon by a foreign sovereign, and is required to be  
10 maintained confidential pursuant to foreign law. Disclosure of this document risks imperiling  
11 foreign comity and subjecting Amazon to reputational harm, as well as jeopardizing both current  
12 and future investigations into Amazon. This document was marked confidential upon Amazon's  
13 production of the documents during the FTC's pre-complaint investigation, and Amazon takes  
14 reasonable steps to maintain the confidentiality of this document in the ordinary course.

15         9. The redactions in Exhibits B, C, H, and O to the Motion to Compel, Amazon's  
16 Opposition, and the K. Trefz Declaration in Support of the Opposition, and proposed redactions in  
17 Exhibit A to the Motion to Compel, protect personally identifying information about non-party  
18 employees, as well as Amazon's internal data sources, and organization. Amazon takes reasonable  
19 steps to maintain the confidentiality of this information in the ordinary course. Disclosure of this  
20 information will identify specific employees and may cause unnecessary embarrassment, and the  
21 information could be used to target or harass Amazon's systems or employees.


22         10. Additional redactions to Exhibit C, as well as those to Exhibit J to the Motion to  
23 Compel protect information regarding confidential governmental investigations into Amazon, both  
24 domestic and foreign. Disclosure of this information risks imperiling foreign comity and  
25 subjecting Amazon to reputational harm, as well as jeopardizing both current and future  
26 investigations into Amazon. These documents were marked highly confidential-attorneys' eyes

1 only during the course of this litigation, and Amazon takes reasonable steps to maintain the  
2 confidentiality of this information in the ordinary course.

3 11. The redactions in Plaintiffs' Motion and Plaintiffs' Reply protect discussions of the  
4 Exhibits addressed herein, and are subject to the same dangers of disclosure as the Exhibits  
5 themselves.

6 I declare under penalty of perjury under the laws of the United States of America that the  
7 foregoing is true and correct.

8 EXECUTED this 10th day of December, 2024 in Washington, D.C.

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